

ORDINANCE 1583

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING NORTH BEND MUNICIPAL CODE SECTIONS 18.06.030, 18.10.025, AND 18.10.050 RELATED TO COMMERCIAL TRUCK CENTERS AND PARKING; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria and other interim development regulations; and

WHEREAS, due to the potential adverse impacts to air quality, noise, traffic and city streets, economics and infrastructure, the City of North Bend previously determined that additional commercial truck travel centers, truck parking, or expansion of the existing truck travel center beyond the current site was not in the best interest of North Bend and should be prohibited until further analysis could be undertaken; and

WHEREAS, because the North Bend Planning Commission was particularly busy during 2014–15 working on the periodic update of the City’s Comprehensive Plan required by the Growth Management Act, on April 15, 2014 the City adopted Ordinance No. 1523, interim development regulations prohibiting the addition or expansion of commercial truck centers and parking in the East North Bend Master Plan Overlay District (the “Interim Truck Regulations”) pursuant to RCW 36.70A.390; and

WHEREAS, pending the availability of the Planning Commission during the ongoing Comprehensive Plan update process, the Interim Truck Regulations were subsequently renewed pursuant to RCW 36.70A.390 by Ordinance No. 1552 on April 21, 2015, by Ordinance No. 1563 on October 6, 2015, and by Ordinance No. 1580 on March 15, 2016; and

WHEREAS, after completion of the Comprehensive Plan update in October 2015, the Planning Commission began to thoroughly analyze the truck travel center land use and its impacts, and for the past six months has worked with the Community and Economic Development Department to bring forth proposed permanent regulations for City Council consideration; and

WHEREAS, on January 13, 2016, the City issued a SEPA Mitigated Determination of Non-Significance (“MDNS”) for the adoption of proposed permanent amendments to the truck regulations contained in Chapter 18.10 NBMC (the “Permanent Truck

Regulations”), and the public comment period for the MDNS closed on January 27, 2016; and

WHEREAS, on January 28, 2016, the Planning Commission held a public hearing and received voluminous public comment regarding the proposed Permanent Truck Regulations; and

WHEREAS, on February 11, 2016, the Planning Commission deliberated and issued its recommendation to the City Council regarding the proposed Permanent Truck Regulations; and

WHEREAS, on January 27, 2016, the City submitted the proposed Permanent Truck Regulations to the Washington State Department of Commerce for review pursuant to RCW 36.70A.106(3)(a), and the Department requires sixty (60) days for review before the City may take final action on proposed changes to development regulations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC 18.06.030 (Definitions), Amended: North Bend Municipal Code Section 18.06.030 (Definitions) is hereby amended to read as set forth in the attached Exhibit A, which is incorporated herein by this reference.

Section 2. NBMC 18.10.025(C)(3)(d) (Site Layout and Mix of Uses), Amended: North Bend Municipal Code Section 18.10.025(C)(3)(d) (Site Layout and Mix of Uses) is hereby amended to read as follows:

d. Site Layout and Mix of Uses. The allowed uses and bulk and dimensional standards for areas within the ENB-MPOD shall be consistent with that provided by the underlying zoning of either Employment Park 2 or Interchange Commercial as identified in NBMC Table 18.10.030, Permitted and Conditional Land Uses, and NBMC Table 18.10.040, Bulk and Dimensional Standards, unless otherwise noted below.

i. Neighborhood Service/Retail Area. Approximately one acre, but not more than 1.25 acres, of neighborhood service/retail may be located at the intersection of SE 144th Street and 468th Avenue SE. Access to this area shall be from the future public street internal to the master plan site, and shall not be from 468th Avenue SE. This area is intended to provide neighborhood services, restaurants and small scale retail to meet the needs of the nearby employment park uses and neighborhoods.

(A) Allowed Uses. In addition to those uses permitted in the EP-2 zone, all uses as permitted in the Neighborhood Business (NB) zone as identified in NBMC Table 18.10.030 are permitted, with the following exceptions which are prohibited: residential, automotive/vehicular uses, equipment rental, grocery/supermarket, hardware store, theater, lumber and building materials, storage facilities, and drive-thru restaurants or services; provided, however, that a coffee shop may have one drive-thru lane.

(B) Orientation of Buildings. The retail buildings shall be oriented and front to 468th Avenue SE and the future extension of SE 144th Street. Access shall be from roads internal to the ENB-MPOD. The retail building shall incorporate a functional entrance at the corner of SE 144th Street and 468th Avenue SE.

ii. Employment Park 2 – General.

(A) Allowed Uses. All uses as permitted in the EP-2 zone as identified in NBMC Table 18.10.030, Permitted and Conditional Land Uses.

(B) Building footprint shall not exceed 150,000 square feet per building.

(C) Warehousing is prohibited.

(D) If any of the existing residential properties located within the ENB-MPOD are redeveloped into an EP-2 use, those properties shall be subject to the provisions of this overlay district. Access to the redeveloped sites should be via streets internal to the ENB-MPOD, to the extent feasible as determined in the reasonable discretion of the CED director.

(E) All loading docks shall be located behind the buildings and shall be screened from view from public streets using 15-foot Type 1 landscaping.

(F) Commercial truck center/service area is prohibited.

iii. Employment Park 2 – Office/Light Manufacturing. The EP-2-Office/Light Manufacturing area is located directly adjacent to North Bend Way with good exposure to

I-90. All uses as permitted in the EP-2 zone as identified in NBMC Table 18.10.030, Permitted and Conditional Land Uses, are permitted, except the following uses are prohibited: automotive/vehicular uses, equipment rental, storage facilities, distribution/assembly centers and warehousing.

(A) Building Footprint Limitation. Building footprint shall not exceed 35,000 square feet per building.

(B) Buildings shall orient to and have the main entrance front North Bend Way.

(C) All loading docks shall be located behind the buildings and shall not be visible from North Bend Way.

(D) Assisted senior living and hotels are allowed subject to the following:

(1) A 30-foot Type 2 landscape buffer is provided on the side and rear property boundaries to mitigate any future conflict with incompatible uses on adjacent properties to the north.

(2) Hotels shall not exceed the district's height limitation of 35 feet.

iv. Commercial Truck Center/Service Areas. The ENB-MPOD includes an existing commercial truck center/service area, commonly known as Truck Town, which is located on approximately 16.1 acres in the Interchange Commercial zone. Due to its location at the base of Snoqualmie Pass and at the gateway to the Puget Sound area, commercial truck traffic and overnight truck parking is often an issue, creating unmitigated adverse impacts to the city's streets and air quality. This facility is currently the only commercial truck center in King County. The city has determined a new commercial truck center/service area or expansion of the existing use, beyond the current site, is not in the best interest of North Bend and therefore prohibited. The existing commercial truck center/service area may continue to operate and improve the facility, at its current site, subject to the provisions below. As used in this section, "substantial improvements" means new improvements having a market value worth more than 50 percent of the assessed value of the existing improvements as determined by the King County Assessor

and includes any repair or reconstruction of a structure; and/or to the site (other than a structure). “Substantial improvement” is considered to occur when the first alteration to any structure or other improvement to the site commences, whether or not that alteration affects the external dimensions of any structure. The market value shall be determined by reviewing King County parcel data for improvements and the owner may be required to obtain an MAI appraisal to substantiate value. The market value and the cost of new improvements will be determined at the time of complete building permit submittal and shall take into account the cost of any improvements undertaken on the site within the ten-year period immediately preceding the date of submittal of such application. The term “substantial improvement” excludes any interior tenant improvements to a structure. The term runs with the property and not with the property owner.

(A) Substantial improvement to existing commercial truck center/service area facilities shall make available truck stop electrification capabilities, or other means for each truck to utilize to eliminate idling.

(B) Substantial improvement to existing commercial truck center/service area facilities shall require full compliance with the North Bend Municipal Code.

(C) Any redevelopment of the existing 16.1-acre commercial truck center/service area located in the Interchange Commercial zone shall locate all new retail, restaurants and commercial buildings along 468th Avenue SE and North Bend Way (see Figure 18.10.025-2, commercial building priority area). Truck and vehicular parking and truck service areas shall be placed to the rear and internal areas of the site. Truck parking is prohibited adjacent to North Bend Way or 468th Avenue SE. For the purposes of this subsection, “redevelopment” means construction of new buildings or demolition and reconstruction of any existing buildings or structures.

(D) Commercial truck parking areas shall not be located adjacent to public streets, unless a 30-foot, Type 2 landscape buffer is provided.

(E) Performance Standards. Commercial truck center/service area facilities and related uses shall comply

with the performance standards as set forth in NBMC 18.10.050.

(F) Permitted Uses. For Interchange Commercial zoned property within the ENB-MPOD, all uses permitted in the IC zone as identified in Table 18.10.030, Permitted and Conditional Land Uses, are permitted including commercial truck center/service area facilities.

v. Site design for all uses within the ENB-MPOD shall provide for shared truck turning.

Section 3. NBMC 18.10.050 (Table of Performance Standards), Amended: Subsection 2.03o of North Bend Municipal Code Section 18.10.050 (Table of Performance Standards) is hereby amended to read as follows:

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| 2.03o Commercial Truck Centers/Service Areas | <p>a. Substantial improvement of existing commercial truck center/service area facilities shall make available electrical capabilities or other means for each truck to eliminate idling. “Substantial improvements” shall be defined to mean improvements worth more than 50 percent of the assessed value of the improvements as determined by the King County Assessor . See NBMC 18.10.025(C)(3)(d).</p> <p>b. The required amount of vehicular use area landscaping shall be met; however the location of said landscaping may be adjusted and placed on the perimeter or as a consolidated feature as approved by the director.</p> <p>c. Commercial truck parking areas shall not be located adjacent to public streets, unless a 30-foot Type 2 landscape buffer is provided.</p> |
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Section 4. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 19TH DAY OF
APRIL, 2016.**

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: April 27, 2016
Effective: May 2, 2016

Susie Oppedal, City Clerk

EXHIBIT A

18.06.030 Definitions.

A. "A"

1. "Abutting zones" means zoning districts sharing a common boundary. For purposes of landscaping and setback requirements, zones shall not be deemed abutting where the common boundary is at or within a street, railroad, trail, or other designated right-of-way.
2. "Accessory building" means a subordinate building, with separate means of egress, the use of which is incidental to the use of the main building and which is located on the same lot or on a contiguous lot, adjoining the principle lot, on most of one side.
3. "Accessory dwelling unit" or "ADU" means a year-round dwelling unit, no larger than 10 percent of the lot area or 800 square feet, whichever is smaller, with a maximum of one bedroom. Studios are allowed on lots less than 5,000 square feet with cooking facilities, sanitary facilities, and an independent means of access, either attached or detached to a single-family residence, and located on the same lot as a single-family residence. ADUs may also be above a garage, provided the parking bays may not be converted to living space.
4. "Accessory use" means a use incidental and subordinate to the principal use and located on the same lot or in the same building as the principal use.
5. "Administrative adjustment to standards" refers to the authority of the director of community services and/or his or her designee to change selected bulk and dimensional standards as outlined in procedures and criteria in the table of bulk and dimensional standards. An administrative adjustment may have similar or exact results, but is not the same mechanism as a variance, which may only be granted by the hearing examiner.
6. "Adult entertainment facilities" means enterprises predominantly involved, for commercial purposes, in the selling, renting, or presenting of books, magazines, motion pictures, films, video cassettes, cable television, live entertainment, performance, or activity distinguished or characterized by a predominant emphasis on the depiction, simulation, or relation to "specified sexual activities" as defined in this chapter for observation by patrons therein. Examples of such facilities include, but are not limited to, adult book or video stores and establishments offering panoramas, peep shows, or topless or nude dancing.
7. "Adult family home" means a regular family abode in which a person or persons provides personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services as regulated by the Department of Social and

Health Services in Chapter 70.128 RCW and Chapter 388-76 WAC. Secure community transition facilities are not considered adult family homes.

8. “Affordable housing” means owner-occupied or rental housing built on a site that was designated at the time of development approval, to accommodate a scale and finish of structure as stated in the development approval, that is intended to be affordable by households making no more than 80 percent of the median household income for the city of North Bend as calculated using the U.S. Department of Housing and Urban Development (HUD) methodology, assuming standard Federal Housing Administration lending criteria and minimum down payments when applicable, at the time of development approval.
9. “Agricultural land” means land meeting any one or more of the following definitions:
 - a. Land primarily devoted to commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.130 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production; or
 - b. Land that is currently in use for agriculture as evidenced by its current enrollment in the open space taxation program pursuant to Chapter 84.34 RCW.
10. “Agricultural land productivity” means:
 - a. Any parcel of land that is 20 or more acres or multiple parcels of land that are contiguous and total 20 or more acres:
 - i. Devoted primarily to the production of livestock or agricultural commodities for commercial purposes; or
 - ii. Enrolled in the federal conservation reserve program or its successor administered by the United States Department of Agriculture; or
 - iii. Other similar commercial activities as may be established by rule; or
 - b. Any parcel of land that is five acres or more but less than 20 acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to, as of January 1, 1993:
 - i. One hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification

under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993; and

- ii. On or after January 1, 1993, \$200.00 or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter.
- 11. “Alley” means an improved thoroughfare, right-of-way, or easement, narrower than a street, that provides vehicular and nonmotorized access to an interior boundary of one or more lots, and is not designed for general traffic circulation.
 - 12. “Alterations” means a change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another. In buildings for business, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one-third of a single floor area shall be considered an alteration.
 - 13. “Anchor store” means commercial establishments including but not limited to antique shops, banks and financial institutions, bookstores, microbreweries, business offices, furniture/appliance stores, general stores (but not convenience stores), hardware stores, health clubs, pharmacies, and professional offices.
 - 14. “Assisted living facility” means any facility that provides either temporary or permanent residence for senior citizens and which provides opportunities for common dining areas, although some facilities may offer kitchen facilities in the individual units as well. Some assisted care facilities may offer minor health services on-site, such as a resident nurse.
 - 15. “Attached, structure or building” means a structure or building joined or fastened to another structure or building by any means to become one continuous structure or building.

B. “B”

- 1. “Base elevation” means the average elevation of a minimum of three and a maximum of eight points evenly distributed around the perimeter of a building where corners of the building intersect the original topography. Wing walls, decks, abutments, bay windows, and similar architectural features shall not be considered walls for the purpose of this calculation.
- 2. “Basement” means that portion of a building partly underground and having at least one-half of its height more than five feet below the adjoining finished grade.
- 3. “Battery charging station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric

vehicles, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

4. “Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.
5. “Bed and breakfast establishment” means a single-family dwelling unit and/or accessory building within which bedrooms are available for paying guests, subject to the provisions of this code.
6. “Board of adjustment” means a quasi-judicial body, created under Chapter 2.20 NBMC, empowered to hear appeals from orders or determinations made by an administrative official charged with the enforcement of this title and to vary or modify certain provisions of this title relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of this title is observed, public safety and welfare secured, and substantial justice done.
7. “Boarding house” means a residential dwelling or part thereof, in which lodging is provided by the owner to not more than two boarders.
8. “Buffer strip” means an open space used to physically separate and/or visually screen different land uses or properties from one another for a variety of environmental management purposes. May include “buffer” areas as defined in NBMC 14.05.200 and 14.05.115. Buffer strips may be natural, or improved with landscaping or other amenities.
9. “Building” means any structure having a roof, but excluding all forms of vehicles even though immobilized. When a use is required to be within a building, or where special authority granted pursuant to this title requires that a use shall be within an entirely enclosed building, then the term “building” means one so designed and constructed that all exterior walls of the structure shall be solid from the ground to the roof line, and shall contain no openings except for windows and doors that are designed so that they may be closed.
10. “Building area” means the total ground coverage of a building or structure that provides shelter measured from the outside of its external walls or supporting members or from a point four feet in from the outside edge of a cantilevered roof, whichever covers the greatest area.
11. “Building coverage” means area of a lot that is covered by the total horizontal surface area of the footprint or foundation of a building.
12. Building Height. See “Height, building.”

13. “Building inspector” means a duly appointed officer of the city charged with the administration and enforcement of the provisions of this title.
14. “Building line” means the line of that face, corner, roof or part of a building nearest the property line.

C. “C”

1. “Carport” means a structure to house or protect motor vehicles owned or operated by the occupants of the main building and which has at least 40 percent of the total area of its sides open to the weather.
2. “Certificate of occupancy” means a permit to occupy a premises issued by the building inspector after inspection has verified compliance with the requirements and provisions of this title and applicable building codes.
3. “Charging levels” means the standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. The terms “1,” “2,” and “3” are the most common EV charging levels, and include the following specifications:
 - a. Level 1 is considered slow charging, and typically operates on a 15- or 20-amp breaker on a 120-volt AC circuit and standard outlet.
 - b. Level 2 is considered medium charging, and operates on a 40-amp to 100-amp breaker on a 208- or 240-volt AC circuit.
 - c. Level 3 is considered fast or rapid charging, and typically operates on a 60-amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment.
4. “Child day care center” means an agency which regularly provides care for a group of children for periods of less than 24 hours in conformance with the requirements in Chapter 74.15 RCW.
5. “Clinic” means a building designed and used by a chiropractor, naturopathic physician, osteopathic physician, medical, dental or surgical diagnosis or treatment of patients under the care of doctors and/or nurses.
6. “Club” means an incorporated or unincorporated association of persons organized for a social, fraternal, athletic, educational, literary or charitable purpose. Property occupied by a club shall be deemed to be semiprivate in character and shall be subject to the regulations governing public buildings and places, excluding groups organized primarily to render a service which is normally considered a business.
7. “Commercial, downtown scale” means any single commercial use building, excluding full-service supermarkets and hotels/motels, with a gross floor area of 5,000 square feet or less, or a shopping complex with a single building, excluding

full-service supermarkets, 8,000 square feet or less and a cumulative square footage of less than 20,000 square feet gross floor area. Individual downtown commercial buildings may be up to 10,000 square feet if considered “anchors.”

8. “Commercial, interchange scale” means any single commercial use building with a gross floor area over 10,000 or a shopping complex with any single building over 8,000 square feet gross floor area, and a cumulative square footage of 20,000 square feet gross floor area or greater. For permitted land uses interchange-commercial may include buildings and/or shopping complexes less than 10,000 square foot gross floor area and 20,000 square foot gross floor area, respectively.
9. “Commercial, neighborhood scale” means any single commercial use building with a gross floor area of 5,000 square feet or less, or a shopping complex with any single building 5,000 square feet gross floor area or less, and a cumulative square footage of less than 12,500 square foot floor area.
10. “Commercial, planned neighborhood district scale” means any single commercial use building within a PND overlay with a gross floor area of 2,500 square feet or less, or a cumulative square footage of commercial buildings in a single PND overlay less than 12,500 square feet gross floor area.
11. “Commercial truck center/service area” means a commercial facility which provides refueling, rest area, day or overnight truck parking, food, truck maintenance services and other services for the commercial freight and truck industry and associated drivers.
12. “Commercial use” means an activity with goods, merchandise or services for sale or involving a rental fee.
13. “Commercial vehicle” means a motor vehicle used for purposes other than a family car, such as a taxi, delivery, or service vehicle.
14. “Comprehensive plan” means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to the Growth Management Act, Chapter 36.70A RCW. When used in this title the term shall refer to the city of North Bend comprehensive plan.
15. “Conditional use” means a use permitted in one or more zones as defined by this title, but which, because of characteristics peculiar to such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones. A “conditional use” is a form of special exception.
16. “Conditional use permit” means the documental evidence of authority granted by the board of adjustment to locate a conditional use at a particular location.

17. “Cottage” means a smaller, detached single-family dwelling unit. Each home is of a size and function suitable for a single person or very small family. A cottage is 1,700 square feet or less in size and therefore considered a cottage home when paying impact fee rates.
18. “Cottage housing development” means a development containing single-family cottages and may include a percentage of attached housing (duplex, triplex or fourplex) and single-family homes exceeding 1,700 square feet as prescribed by code. The development site is designed with a coherent concept in mind with shared functional open space and facilities.
19. “Court” means an open, unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two or more sides by such building or buildings, including the open space in a house, court or apartment, providing access to the units thereof.

D. “D”

1. “Design guidelines” means standards and principles relating to a variety of land use and community elements, including but not limited to site design, building design, landscaping, parking, signage, and pedestrian amenities, as found in North Bend’s design review regulations, Chapter 18.34 NBMC.
2. “Detached building” means a building that is not attached to any other building.
3. “Development” means any manmade alteration of unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment and materials and subdivision of land. For properties within the floodplain, development also includes the removal of more than five percent of the native vegetation on the property, or alteration of natural site characteristics.
4. “Development agreement” means an agreement that sets forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with applicable development regulations adopted by a local government planning under Chapter 36.70A RCW. A development agreement may be with a person having ownership or control of real property within the city’s jurisdiction or for real property outside its boundaries as part of a proposed annexation or a service agreement.
5. “Dock” means a basin for moorage of boats, including a basin formed between the extension of two piers or the area between a bank or quay and a pier. Docking facilities may include wharves, moorage or docks or any place or structure connected with the shore or upon shorelands provided for the securing of a boat or vessel.

6. “Dwelling, duplex” means a building containing two dwelling units totally separated from each other by an unpierced wall extending from ground to roof. Duplex units may have separate legal lots.
7. “Dwelling, multifamily” means a building containing two or more dwelling units, including units that are located one over the other. Multifamily dwellings typically occupy one common legal lot, however, as with duplexes, they may have separate legal lots.
8. “Dwelling, single-family” means a detached building designed for and occupied exclusively by one family and the household employees of that family.

E. “E”

1. “Eave” means the edge of a roof that projects beyond the wall.
2. “Educational institution” means a junior college, college, university, technical institute, or other learning institution, either public or private, providing instruction to students, but excluding childcare/day care centers, preschool/kindergartens, and elementary, junior high, and high schools.
3. “Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on board for motive purpose. “Electric vehicle” includes: a battery electric vehicle; a plug-in hybrid electric vehicle; a neighborhood electric vehicle; and a medium-speed electric vehicle.
 - a. “Battery electric vehicle” or “BEV” means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.
 - b. “Plug-in hybrid electric vehicle” or “PHEV” means an electric vehicle that (a) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (b) charges its battery primarily by connecting to the grid or other off-board electrical source; (c) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (d) has the ability to travel powered by electricity.
 - c. “Neighborhood electric vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500.
 - d. “Medium-speed electric vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-

proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Part 571.500.

4. “Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.
 - a. “Electric vehicle charging station – restricted” means an electric vehicle charging station that is (i) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking), or (ii) publicly owned and restricted (e.g., fleet parking with no access to the general public).
 - b. “Electric vehicle charging station – public” means an electric vehicle charging station that is (i) publicly owned and publicly available (e.g., park and ride parking, public library parking lot, on-street parking), or (ii) privately owned and publicly available (e.g., shopping center parking, nonreserved parking in multifamily parking lots).
 - c. “Electric vehicle charging station – accessible” means an electric vehicle charging station that has been sized, designed and located consistent with Americans with Disabilities Act (ADA) requirements for persons with disabilities.
5. “Electric vehicle infrastructure” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.
6. “Electrical distribution substation” means an assembly of equipment designed to receive energy from a high voltage distribution supply system, to convert it to a form suitable for local distribution and to distribute the energy to feeders through switching equipment designed to protect the service from the effects of faults.
7. “Essential use” means that use for the preservation or promotion of which the use district was created, and to which all other permitted uses are subordinate.

F. “F”

1. “Family” means one or more persons living together, or one or more disabled persons protected by the Fair Housing Amendments Act (42 U.S.C. Section 3601 et seq.) living together. Except for disabled persons as described above, in no case shall a family include more than six persons who are not related by genetics, adoption or marriage and none of whom are wards of the court.

2. “Family day care provider” means a child day care provider who regularly provides child day care for not more than 12 children in the provider’s home in the family living quarters as defined in RCW 74.15.020.
3. “Floor area” means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls and from the centerline of division walls. Floor area shall include basement space, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces with headroom of seven feet six inches or more, penthouse floors, interior balconies and mezzanines, and enclosed porches. Floor area shall not include accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than seven feet six inches, exterior steps or stairs, terraces, breezeways and open spaces.
4. “Floor area ratio” means a measure of development intensity equal to the gross floor area (FA), divided by net on-site land area (LA) ($FAR = FA/LA \times 100$). Net on-site land area includes the area of an easement but does not include steep slopes and buffers, streams and buffers, rivers and buffers, floodways, wetlands and buffers, and public right-of-way.
5. “Forest land” means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance.

In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered:

- a. The proximity of the land to urban, suburban, and rural settlements;
- b. Surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses;
- c. Long-term local economic conditions that affect the ability to manage for timber production; and
- d. The availability of public facilities and services conducive to conversion of forest land to other uses.

G. “G”

1. “Garage, commercial” means a building or portion thereof designed and used for the storage, repair or servicing of motor vehicles or boats as a business.

2. "Gasoline sales/service station" means premises used for the sale of gasoline or other motor fuels, oils, lubricants, and auto accessories which may or may not include washing and minor automobile repair, but not auto body work or painting.
3. "Green roof" or "living roof" means a roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane.
4. "Greenbelt/greenway" means an open space area, typically linear in configuration, that may follow a geographic feature, is designed to buffer land uses from one another, and sometimes to link destination points.

H. "H"

1. "Height, building" means the vertical dimension of a structure measured from the base elevation to the top of the highest parapet wall, cornice, or coping of a flat roof. For sloping roofs, the height shall be measured to the midpoint of the highest gable or sloped plane. Where a building with multiple occupancies is located on a site which exceeds a slope of five percent, the calculation of height may be determined independently for each separately occupied space.
2. "Home occupation" means any use permitted by the terms of this code conducted entirely within a dwelling and carried on by the permanent resident(s) thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
3. "Home, retirement" means a place of residence for several families or individuals in apartment-like quarters, rented, cooperative, or condominium, which may feature services to retired persons, such as limited nursing facilities, minimum maintenance living accommodations, and recreation programs and facilities.
4. "Homes for the elderly and related" includes but is not limited to assisted living facilities, nursing homes, and retirement homes, subsidized through government programs or not, as defined in this chapter.
5. "Hospital" means an establishment which provides accommodations, facilities and services over a continuous period of 24 hours or more, for observation, diagnosis and care of two or more individuals, not related by blood or marriage to the operator, who are suffering from illness, injury, deformity or abnormality, or from any condition requiring obstetrical, medical or surgical services.
6. "Hotel" means any building or portion thereof containing five or more rooms that are rented, or hired out to be occupied for sleeping purposes for compensation, whether the compensation is paid directly or indirectly. A central kitchen and dining room and accessory shops and services catering to the general public can be provided. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

I. "I"

1. "Impervious surfaces" means hard surface areas which prevent or retard the entry of water into the soil mantle, and/or which cause water to run off in greater quantities or at an increased rate of flow from that present prior to development. Impervious surfaces include, but are not limited to, roof tops, walkways, patios, decks (covered and open are both considered impervious), pools, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads (not gravel driveways or trails), packed earthen materials, rockeries and oiled macadam or other surfaces which impede the natural infiltration of surface and stormwater runoff. Open retention and detention facilities shall not be considered as impervious surfaces.
2. "Innovative housing" includes cottage dwellings built separately or in combination with a traditional single-family housing development to provide small housing unit alternatives with potential for greater affordability relative to the traditional single-family homes.
3. "Interim housing facilities" are those facilities that provide temporary housing for homeless persons.

J. "J"

1. "Junk" means any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition. Does not include motor vehicles.
2. "Junkyard" means any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk. Does not include motor vehicle wrecking and salvage yards.

"L"

1. "Land development proposal" shall include, but not be limited to:
 - a. All administrative and quasi-judicial land development permits and/or approvals outlined in Table 20.01.004.
 - b. Annexations, rezones, developer extension agreements, extension of city utility service, business licenses involving the change of use of a building.

The term "land development proposals" is intended to be construed broadly and to include all city permits and/or city approvals which may be associated with a development project; provided, it shall not include recommendations or requests for amendments to North Bend's land use codes.

2. "Landscape buffer to agricultural/forest lands" means buffers that include the following criteria:

- a. Minimum of 150 feet wide;
 - b. Include rights-of-way;
 - c. Create a visual screen by landscaping; and
 - d. Permit several uses within the buffer to include: screens, berms, parking and access routes, fences, utilities, storm ponds, nonoccupied accessory structures. Occupied structures (residential, commercial, and industrial) are a nonconforming use. NBMC 18.30.040 applies for repairs or restoration of nonconforming use if damaged.
3. "Lot" means a legally established single parcel of land.
 4. "Lot area, gross" means the total horizontal area within the boundary lines of a lot. Gross density is the number of total residential units divided by total development land area including all infrastructures (streets, alleys, stormwater) open spaces and parks.
 5. "Lot area, net" means the gross lot area including the area of an easement but does not include steep slopes (greater than 40 percent with a vertical elevation change greater than 10 feet) and buffers, streams and buffers, rivers and buffers, floodways, wetlands and buffers, and public right-of-way.
 6. "Lot, corner" means a lot at the junction of and fronting on two or more intersecting streets.
 7. "Lot depth" means the average dimension of a lot from the front lot line to the rear lot line.
 8. "Lot, interior" means a lot fronting on one street.
 9. "Lot line, front" means the lot line separating a lot from a street right-of-way. The front lot line on a corner lot that fronts on two streets shall be the line abutting the street on which the building's address is assigned, or, if no building address, the line having the narrower frontage.
 10. "Lot line, rear" means the lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and a maximum distance from the front lot line.
 11. "Lot line, side" means any lot line other than a front or rear lot line.
 12. "Lot, through" means a lot fronting on two streets that do not intersect on the parcel's lot lines.

13. "Lot width" means the dimension of the lot line at the street, or in an irregular-shaped lot the dimension across the lot at the building line, or in a corner lot, the narrow dimension of the lot at a street or building line.

M. "M"

1. "Main building facade" means the front elevation of a structure with the highest cumulative horizontal width, except porch wall enclosures shall not be counted in determining cumulative horizontal width.
2. "Major utility facilities" include facilities which potentially have a significant impact on adjacent properties, including but not limited to water towers and reservoirs; overhead transmission lines greater than 55 kV; electric substations; underground gas, oil, or other petroleum transmission pipelines; wastewater treatment facilities; television and radio transmission towers and appurtenances; cable television receiver and transmission facilities, cellular communications towers; telecommunication facilities requiring multiple sites and/or exceeding height limits of respective zoning districts; facilities typically providing or associated with regional service and other facilities determined to be similar in nature by the director of community services.
3. "Manufactured home" means a single-family residence constructed after June 15, 1976, and in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance and which has a permanent foundation, as specified by the manufacturer, and whose space from the bottom of the home to the ground is enclosed by concrete or an approved concrete product that can be either load-bearing or decorative, and which has approved connections to appropriate electric, sewer, water, natural gas, telephone, and other necessary utilities, and which is "new," meaning it has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2). The city of North Bend may also regulate the placement or use of manufactured homes as described in RCW 35.21.684.
4. "Manufactured home, designated" (see RCW 35A.63.145) means a manufactured home which:
 - a. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;
 - b. Was originally constructed with and now has a composition, wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch; and
 - c. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences.

5. "Manufactured home park/mobile home park" means a parcel of land under single ownership or management on which two or more manufactured homes or mobile homes, respectively, are designed to be located or are located.
6. "Manufacturing" means establishments engaged in the mechanical or chemical transformation of materials or substances into new products.
7. "Mean depth" of a lot is the depth of such lot measured on a line approximately perpendicular to the fronting street and midway between the side lines of such lot.
8. "Mean ground level" means the average of the finished ground level at the center of all exposed walls of a building. Where walls are parallel to and within five feet of a sidewalk, the sidewalk shall be considered the mean ground level.
9. "Minor utility facilities" include facilities which do not potentially have a significant impact on adjacent properties and are necessary to provide essential services, including but not limited to pump stations; public wells; sewer/water outfalls; telephone switching stations; catch basins; retention ponds; overhead distribution lines and poles (typically 12.5 kV but up to 55 kV); cable television lines; underground water, sewer, and natural gas distribution lines; transformers and regulator stations; private on-site facilities such as septic tanks, wells; cellular telephone antennas less than 12 feet in height; satellite dishes less than 48 inches in diameter; bus shelters; facilities typically providing or associated with local service and other facilities determined to be similar in nature by the director of community services.
10. "Mobile home" means a single-family residence transportable in one or more sections that are eight feet or more in width and 32 feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976.
11. "Modular home" means a structure constructed in a factory in accordance with the International Building Code and bearing the appropriate insignia indicating such compliance.
12. "Motel" means a building or buildings, detached or in connected units, or designed as a single structure, the units of which are used as individual sleeping or temporary dwelling units, having their own private toilet facilities and which may have their own kitchen facilities, and are designed primarily for the accommodation of transient travelers. Access to units is from individual doors opening to the outside, and not from individual doors opening to a common, interior corridor or hallway. Accommodations for trailers are not included. This term includes tourist court, motor lodge, auto court, cabin court, motor inn and similar names.

13. “Museum/interpretive center” means an institution for the acquisition, preservation, study, and exhibition of works of artistic, historic, cultural, or scientific value.

N. “N”

1. “Neighborhood center” means a key park, open space, or other public facility and/or a neighborhood-scaled commercial center.
2. “Nonconforming building or structure” means a building or structure that was legally established when this title or any amendment thereto became effective or amended, but due to a subsequent amendment of this title, the building or structure does not conform to the bulk and/or dimensional regulations of the zoning district in which the building or structure exists.
3. “Nonconforming land use” means any use of land that was legally established when this title or any amendment thereto became effective or amended, but due to a subsequent amendment of this title the use does not conform to the permitted land use regulations of the zoning district in which the use exists.
4. “Nonconforming lot” means a lot within any zoning district that was legally created when this title or any subsequent amendment thereto became effective or amended, but due to subsequent passage or amendment of this title does not meet minimum lot area or minimum lot width requirements for the respective zoning district in which the lot is located. Where applicable, lots exceeding maximum size shall not be considered nonconforming.
5. “Nonconforming use” means a building/structure or land use that was legally established when this title or any subsequent amendment thereto became effective or amended, but due to subsequent passage or amendment of this title does not conform to:
 - a. Permitted land uses; and/or
 - b. Bulk and dimensional regulations of the zoning district in which it is located; and/or
 - c. Performance standards for the land use or zoning district.
6. “Nonelectric vehicle” means any motor vehicle that does not meet the definition of “electric vehicle.”
7. “Nursing home” means a building occupied or intended to be occupied by convalescents, invalids, and aged persons and wherein nursing, dietary, and other personal services are rendered. Mentally challenged patients and patients with contagious or communicable diseases, who are customarily treated in sanitariums and hospitals, are not included in this definition.

O. "O"

1. "Off-street parking" means parking facilities for motor vehicles on other than a public street or alley.
2. "Official zoning map" means the city's adopted and official map showing boundary delineations for zoning districts as established in Chapter 18.08 NBMC.
3. "Open space, active" includes open space areas accessible to humans for a variety of recreation uses, including but not limited to parks, trails, picnic areas, and other usable sites. Open space recreational uses may contain impervious surfaces. Critical areas and their buffers are not considered active open space unless they have been improved with active recreation facilities including but not limited to trails.
4. "Open space, common" means active or passive open space within or related to a development that is designed and intended for the common use of the residents of the development. In some cases, common open space may be dedicated to the city and/or made available for the use of all city residents if part of a greenbelt network.
5. "Open space, passive" means that portion of a site left in its natural state or specifically designated to be used for resource protection, agriculture, greenbelt, or visual amenity and which is not covered with structures, roads, road rights-of-way, or parking areas. Open space, passive does not include the minimum required yards or lots of residential units.
6. "Owner occupancy" is defined as the property owner as reflected in title records, who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the site more than six months out of any given year.

P. "P"

1. "Park" means a site designed or developed for recreational use by the public including but not limited to major categories of:
 - a. Indoor park facilities (activity centers, swimming pools);
 - b. Outdoor park facilities for active recreation (sportfields, playfields, and related);
 - c. Outdoor areas for passive recreation (conservation areas, typically with nonmotorized trails).
2. "Parking space" means a space within or without a building, exclusive of driveways, at least 10 feet by 20 feet, used to temporarily park a motor vehicle and having access to a public street or alley.

3. "Performance standards" means guidelines, standards, and/or criteria that govern permitted and/or conditionally permitted land uses.
4. "Permitted use" means any use authorized or permitted alone or in conjunction with another use in a specified district and subject to the limitations of the regulations of such use district.
5. "Pervious surface" means a surface which does not prevent or retard the entry of water into the soil mantle as under natural conditions prior to development.
6. "Place" means an open, unoccupied, named space, other than a street or alley, at least 25 feet in width, permanently reserved and so recorded in the county records as the principal means of access to abutting or adjacent property.
7. "Planned neighborhood district" or "PND" means a residential housing project or mixed residential and commercial project that has been approved pursuant to the PND overlay zoning process in Chapter 18.12 NBMC.
8. "Primary use" means the principal or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.
9. "Professional offices" means offices maintained and used as a place of business conducted by persons such as doctors, dentists, osteopathic physicians, naturopathic physicians, chiropractors, optometrists (but wherein no overnight care for patients is given), and by engineers, attorneys, architects, accountants and other persons or firms providing services in a manner that creates land use impacts similar to the specific uses listed above.
10. "Prohibited uses" means land use activities, including associated buildings and/or structures, that are specifically prohibited by this zoning code, as listed in endnotes to Table 18.10.030.
11. "Public utility" means a public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation for persons and freight.

Q. Reserved.

R.

1. "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

2. "Recreational area/recreational facility" means a place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities.
3. "Recreational vehicle" or "RV" means a vehicle designed primarily for recreational camping, travel, or seasonal use which has its own mode of power or is mounted on or towed by another vehicle, including but not limited to travel trailers, folding camping trailer, truck camper, motor home, motorized boats, and multi-use vehicles.
4. "Recreational vehicle park" means the use of land upon which two or more recreational vehicle sites, including hook-up facilities, are located for occupancy by the general public for recreational vehicles as temporary living quarters for recreation or vacation purposes.
5. "Recycling center" means a lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment to recycling plants.
6. "Recycling collection point" means an accessory, incidental collection point for the drop-off and temporary storage of recyclable materials.
7. "Recycling plant" means a facility in which recyclables, such as newspapers, magazines, books, other paper products, glass, metal and/or other products are recycled, reprocessed, and treated to return such products to a condition in which they may again be used in new products.
8. "Repair and service shop" means premises designed and used for the storage, maintenance, and repair of motor vehicles, but not including the sale of gasoline or other motor fuels and auto body work or painting.
9. "Rezone" means a change in boundaries of the official zoning map. Rezones are either:
 - a. Initiated by a private party, which typically relate to a specific parcel or limited area; or
 - b. Initiated by the city, which typically relate to multiple parcels or city-wide applications.
10. "Right to farm/right to forest" means an ordinance that protects farmers and farm operations or foresters and forest operations from private or public nuisance lawsuits.

S. "S"

1. "School, elementary, junior or senior high, including public, private and parochial" means an institution of learning which offers instruction in the several

branches of learning and study required to be taught in the public schools by the Washington State Board of Education.

2. “Secondary use (incidental or accessory)” means a minor or second use for which a lot, structure or building is designed or employed in conjunction with but subordinate to its primary use.
3. “Secure community transition facilities” means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under Chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to RCW 71.09.250 and any other community-based facilities established under Chapter 71.09 RCW and operated by the secretary or under contract with the secretary.
4. “Semiprivate facility” means any facility to which a class or a group of the public is permitted to attend or use subject to the regulations of a club or other organization owning or regulating such facility.
5. “Senior citizen” means a person aged 62 or older.
6. “Senior citizen housing” means:
 - a. Housing which is exclusively devoted to housing for, and restricted to use by, senior citizens, as this term is defined in this section, either under the Housing and Urban Development (HUD) Section 2.02 Program and contracts and guidelines pertinent thereto or, after the expiration of such contracts and direct applicability of such guidelines, under the provisions of those contracts and guidelines which were in effect at the expiration of the applicability of Section 2.02 financing to any particular senior citizen project which has been established under such a Section 2.02 program.
 - b. Any change of use from that of senior citizen housing will immediately cause all provisions of the zoning code to apply without regard to the bulk and dimensional standards of Table 18.10.040 or the reduced-parking requirement of NBMC 18.16.090, which otherwise may apply to senior citizen housing, and should housing be so changed from senior citizen housing, alternatives will immediately be required in order to gain code compliance, such as vacating units which cause excess density and conversion of such vacated units to facilities for use in common by the remaining project residents; and further, such as by immediately securing additional parking so as to meet parking requirements, or by converting additional dwelling units so as to meet parking requirements. Any delay that may be allowed by the city in implementing any application of municipal code requirements will not constitute a waiver of the full applicability of requirements of this zoning code, and developers of senior

citizen housing will be deemed to be fully on notice that any bonus or requirement reduction relating to senior citizen housing applies only so long as the project is used for senior citizen housing.

- c. Any developer of senior citizen housing is obligated to give six months' prior notice to the city of intent to abandon senior citizen housing status, and if the new use does not comply with requirements of this title, including but not limited to those pertaining to bulk and parking requirements, the occupancy permit for the building shall be revoked.
7. "Setback" means the distance that buildings and structures must be placed from respective front, side, and rear lot lines, subject to the provisions outlined in Table 18.10.040, Bulk and Dimensional Standards.
8. "Shelter station" means a shelter for the protection from the elements of the waiting customers of a public transportation system.
9. "Shopping complex" means individual commercial uses, typically divided in units, that are attached in a common building.
10. "Sign" means any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.
11. "Solid planting" means a planting of evergreen trees and shrubs which will prevent a through and unobscured penetration of sight or light.
12. "Specified sexual activities" means human genitalia in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, sodomy, or erotic fondling; touching or display of human genitalia, pubic region, buttocks, or female breasts.
13. "Standard sized single-family home" means homes larger than 1,700 square feet in size.
14. "Story" means that part of a building lying between two floors or between the floor and ceiling of the highest usable level in the building.
15. "Street" means a public thoroughfare which affords the principal means of access to abutting properties.
16. "Structural alterations" means any change in load or stress of the loaded or stressed members of a building or structure.
17. "Structure" means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground. Not included are residential fences less than six feet in width,

retaining walls, rockeries and similar improvements of a minor character less than three feet in height.

18. "Substandard lots" means where an existing, recorded lot is substandard in width or area, and where the owner of the substandard lot does not own abutting lots which taken together would satisfy current lot width and area requirements, one single-family house may be constructed on a substandard lot, provided any new structure or substantial alteration to an existing structure must satisfy the current setback and lot coverage requirements of the zoning district in which it is located.

T. "T"

1. "Temporary building, structure or vehicle" means the building, structure or vehicle does not have or require permanent attachment to the ground, and is not permanently located in one place or on one site.
2. "Temporary use" means a land use occurring for a limited time; not permanent.
3. "Timber land" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of forest crops for commercial purposes. A timber management plan shall be filed with the county legislative authority at the time (a) an application is made for classification as timber land pursuant to this chapter, or (b) when a sale or transfer of timber land occurs and a notice of classification continuance is signed. "Timber land" means the land only.
4. "Townhouse" means a building containing one dwelling unit that occupies space from the ground to the roof, and is attached to one or more other townhouse dwellings by common walls. Townhouse units may be owned in fee simple, or as part of a condominium or cooperative.
5. "Traditional neighborhood development pattern" means a pedestrian-oriented, predominantly residential area, with a grid to modified grid street pattern, variable lot sizes and widths, a mix of dwelling types, streetscape amenities, and typically with a focal point or "neighborhood center." See also "Neighborhood center."
6. "Transfer of development rights" or "TDR" means the removal of some or all of the right to develop or build, expressed in dwelling units per acre or floor area, from land designated as a "sending site" to other land designated as a "receiving site."
7. "Transitional area overlay district" is an area located between residential (LDR, HDR) and commercial (IC, IMU, DC, NB) and/or industrial (EP-1, EP-2) zoning where additional development standards apply. The transitional area extends 150 feet from the boundary of parcels located between incompatible zoning districts or extends 150 feet from the edge of the right-of-way located between incompatible zoning districts. Where adjoining parcels that are less than 150 feet dimensionally and satisfy all of the performance standards for incompatibilities,

there is no need for other parcels within the 150-foot area and not adjoining the incompatible boundary to meet the same performance standard. The transitional area overlay district (TAOD) performance standards shall not be required on commercial- or industrial-zoned property where the use of the property is also defined as a permitted use on the adjacent residential-zoned property.

8. "Triplex, fourplex, fiveplex, sixplex" refers to the number of residential units (respectively three, four, five and six) in a multifamily building.

U. "U"

1. "Unlisted use" means a land use that is not generally or specifically listed in Table 18.10.030. In some cases, unlisted uses may be permitted, subject to procedures and criteria outlined in the endnotes to Table 18.10.030.
2. "Upper floor dwelling units" means residential dwelling units, each with fully contained kitchen and sanitary facilities, on a second or third story, above commercial or other uses.
3. "Use" means the purpose land or buildings or structures now serve or for which they are occupied, maintained, arranged, designed or intended.
4. "Use district" means a portion of North Bend designated on official zoning maps as one or more of the categories listed and described in this title.
5. "Used car lot" means any place outside a building where two or more automobiles are offered for sale or are displayed.

V. "V"

1. "Variance" is the means by which an adjustment is made in the application of the specific regulations of this title to a particular piece of property, which property because of special circumstances applicable to it is deprived of privileges commonly enjoyed by other properties in the same zone or vicinity and which adjustment remedies disparity in privileges. A variance is a form of special exception.
2. "Veterinary clinic" means a clinic for the medical or surgical treatment of small animals or pets, including but not limited to dogs and cats. The boarding of animals for surgical, post-surgical, or general boarding purposes, subject to the terms of this code, shall be ancillary to the clinic use.
3. "Vision plan" means an element of the North Bend comprehensive plan which depicts preferred land use patterns and design principles for North Bend.

W. "W"

1. "Wrecking/salvage yard" means any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of motor vehicles not in operating condition.

X. Reserved.

Y. "Y"

2. "Yard" means an open space in front, rear or side on the same lot with a building or proposed building.
3. "Yard, front" means a space extending the full width of a lot between any building and the front lot line, as measured perpendicular to the building at the closest point to the front lot line.
4. "Yard, rear" means a space extending across the full width of a lot between the principal building and the rear lot line, as measured perpendicular to the building at the closest point to the rear lot line.
5. "Yard, service" means an open area, usually paved, with access to a street or alley, to allow vehicular access to a building or use for purposes of loading or unloading equipment, freight, livestock or people.
6. "Yard, side" means a space extending from the front yard to the rear yard between the principal building and the side lot line, as measured perpendicular from the side lot line to the closest point of the principal building.

Z. Reserved.